



General Assembly

January Session, 2003

Raised Bill No. 6565

LCO No. 3752

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING WEAPON POSSESSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-206 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any person who carries upon one's person any BB. gun,
4 blackjack, metal or brass knuckles, or any dirk knife, or any switch
5 knife, or any knife having an automatic spring release device by which
6 a blade is released from the handle, having a blade of over one and
7 one-half inches in length, or stiletto, or any knife the edged portion of
8 the blade of which is four inches or over in length, any police baton or
9 nightstick, or any martial arts weapon or electronic defense weapon, as
10 defined in section 53a-3, or any other dangerous or deadly weapon or
11 instrument, shall be fined not more than five hundred dollars or
12 imprisoned not more than three years or both. Whenever any person is
13 found guilty of a violation of this section, any weapon or other
14 instrument within the provisions of this section, found upon the body
15 of such person, shall be forfeited to the municipality wherein such
16 person was apprehended, notwithstanding any failure of the judgment
17 of conviction to expressly impose such forfeiture.

18 (b) The provisions of this section shall not apply to: (1) [any officer
19 charged with the preservation of the public peace while engaged in the
20 pursuit of such officer's official duties] Any parole officer or peace
21 officer of this state, or parole officer or peace officer of any other state,
22 while engaged in the pursuit of official duties, any federal marshal or
23 federal law enforcement agent, any member of the armed forces of the
24 United States, as defined by section 27-103, or of this state, as defined
25 by section 27-2, when on duty or going to or from duty, or any
26 member of any military organization when on parade or when going
27 to or from any place of assembly; (2) the carrying of a baton or
28 nightstick by a security guard while engaged in the pursuit of such
29 guard's official duties; (3) the carrying of a knife, the edged portion of
30 the blade of which is four inches or over in length, by (A) any member
31 of the armed forces of the United States, as defined in section 27-103, or
32 any reserve component thereof, or of the armed forces of this state, as
33 defined in section 27-2, when on duty or going to or from duty, (B) any
34 member of any military organization when on parade or when going
35 to or from any place of assembly, (C) any person while transporting
36 such knife as merchandise or for display at an authorized gun or knife
37 show, (D) any person who is found with any such knife concealed
38 upon one's person while lawfully removing such person's household
39 goods or effects from one place to another, or from one residence to
40 another, (E) any person while actually and peaceably engaged in
41 carrying any such knife from such person's place of abode or business
42 to a place or person where or by whom such knife is to be repaired, or
43 while actually and peaceably returning to such person's place of abode
44 or business with such knife after the same has been repaired, (F) any
45 person holding a valid hunting, fishing or trapping license issued
46 pursuant to chapter 490 or any salt water fisherman carrying such
47 knife for lawful hunting, fishing or trapping activities, or (G) any
48 person while participating in an authorized historic reenactment; (4)
49 the carrying by any person enrolled in or currently attending, or an
50 instructor at, a martial arts school of a martial arts weapon while in a
51 class or at an authorized event or competition or while transporting

52 such weapon to or from such class, event or competition; (5) the
53 carrying of a BB. gun by any person taking part in a supervised event
54 or competition of the Boy Scouts of America or the Girl Scouts of
55 America or in any other authorized event or competition while taking
56 part in such event or competition or while transporting such weapon
57 to or from such event or competition; and (6) the carrying of a BB. gun
58 by any person upon such person's own property or the property of
59 another person provided such other person has authorized the
60 carrying of such weapon on such property, and the transporting of
61 such weapon to or from such property.

62 Sec. 2. Section 29-38 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective October 1, 2003*):

64 (a) Any person who knowingly has, in any vehicle owned, operated
65 or occupied by such person, any weapon, any pistol or revolver for
66 which a proper permit has not been issued as provided in section 29-28
67 or any machine gun which has not been registered as required by
68 section 53-202, shall be fined not more than one thousand dollars or
69 imprisoned not more than five years or both, and the presence of any
70 such weapon, pistol or revolver, or machine gun in any vehicle shall be
71 prima facie evidence of a violation of this section by the owner,
72 operator and each occupant thereof. The word "weapon", as used in
73 this section, means any BB. gun, any blackjack, any metal or brass
74 knuckles, any police baton or nightstick, any dirk knife or switch knife,
75 any knife having an automatic spring release device by which a blade
76 is released from the handle, having a blade of over one and one-half
77 inches in length, any stiletto, any knife the edged portion of the blade
78 of which is four inches or over in length, any martial arts weapon or
79 electronic defense weapon, as defined in section 53a-3, or any other
80 dangerous or deadly weapon or instrument.

81 (b) The provisions of this section shall not apply to: (1) [Any officer
82 charged with the preservation of the public peace while engaged in the
83 pursuit of such officer's official duties] Any parole officer or peace

84 officer of this state, or parole officer or peace officer of any other state,
85 while engaged in the pursuit of official duties, any federal marshal or
86 federal law enforcement agent, any member of the armed forces of the
87 United States, as defined by section 27-103, or of this state, as defined
88 by section 27-2, when on duty or going to or from duty, or any
89 member of any military organization when on parade or when going
90 to or from any place of assembly; (2) any security guard having a baton
91 or nightstick in a vehicle while engaged in the pursuit of such guard's
92 official duties; (3) any person enrolled in and currently attending a
93 martial arts school, with official verification of such enrollment and
94 attendance, or any certified martial arts instructor, having any such
95 martial arts weapon in a vehicle while traveling to or from such school
96 or to or from an authorized event or competition; (4) any person
97 having a BB. gun in a vehicle provided such weapon is unloaded and
98 stored in the trunk of such vehicle or in a locked container other than
99 the glove compartment or console; and (5) any person having a knife,
100 the edged portion of the blade of which is four inches or over in length,
101 in a vehicle if such person is (A) any member of the armed forces of the
102 United States, as defined in section 27-103, or any reserve component
103 thereof, or of the armed forces of this state, as defined in section 27-2,
104 when on duty or going to or from duty, (B) any member of any
105 military organization when on parade or when going to or from any
106 place of assembly, (C) any person while transporting such knife as
107 merchandise or for display at an authorized gun or knife show, (D)
108 any person while lawfully removing such person's household goods or
109 effects from one place to another, or from one residence to another, (E)
110 any person while actually and peaceably engaged in carrying any such
111 knife from such person's place of abode or business to a place or
112 person where or by whom such knife is to be repaired, or while
113 actually and peaceably returning to such person's place of abode or
114 business with such knife after the same has been repaired, (F) any
115 person holding a valid hunting, fishing or trapping license issued
116 pursuant to chapter 490 or any salt water fisherman while having such
117 knife in a vehicle for lawful hunting, fishing or trapping activities, or

118 (G) any person participating in an authorized historic reenactment.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Statement of Purpose:

To exempt from the prohibition on carrying certain weapons upon one's person or in a motor vehicle the same state and federal officers and officials who are exempted from the prohibition on carrying a handgun without a permit, while such officers and officials are in the pursuit of their official duties.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]